Harassment, Intimidation, & Bullying

A Handbook for Parents and Students

Clovis Municipal School District’s Harassment, Intimidation and Bullying Protocol may be found on the district website (www.clovis-schools.org).
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Harassment, Intimidation, and Bullying

Policy Statement

The Clovis Municipal School Administration as well as the Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

The mission of the Clovis Municipal Schools is a key component to our student’s success. The Clovis Municipal Schools are an alliance highly committed to educational excellence, and equipping each student with the knowledge and skills needed for a productive life of creative thinking, continuous learning, and exemplary character through challenging and engaging learning experiences led by a dedicated, unified team in vital partnership with family, church, and community.

For the purpose of this Protocol, the term “parent,” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) or a pupil. Where parents are separated or divorced, “parent” means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

Board Policy J-3600 JII is found on the following page.
STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

Clovis Municipal Schools believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation, or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

The Superintendent is directed to establish procedures whereby students may present a complaint or grievance regarding a violation of their constitutional rights, equal access to program, discrimination, harassment, intimidation, bullying or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Governing Board is without authority to act.

Bullying as defined below is prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in 6.30.2.19 NMAC.

A complaint/grievance may be raised regarding one (1) or more of the following:

- Violation of the student’s constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student’s individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- Harassment of the student, which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Bullying by another student which means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one (1) or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the
student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

- Concern for the student’s personal safety.

The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance. The complaint/grievance shall be made only to an administrator or other professional staff member. That person shall elicit from the student the particulars determined by the Superintendent to be necessary for the complaint/grievance to be investigated. When the initial allegation is submitted in a manner other than on the prescribed form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the student in completing the complaint/grievance form. The student should sign and date the form, however, unsigned forms are to be processed in the same manner as a signed form. A professional staff member or support staff member shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

When the professional staff member is other than the school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than the next school day following the day that the staff member received the complaint/grievance. If the school administrator is included in the allegation, the complaint/grievance shall be transmitted to the next higher administrative supervisor. A failure by the professional staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary actions. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

Students should file complaints on their own behalf. A parent or guardian may initiate the complaint process on behalf of an elementary school student. A parent or guardian (other than an elementary student’s parent) who wishes to complain should do so by completing the forms following Policy KE on Public Concerns and Complaints.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproved complaint documentation about harassment, intimidation, or bullying shall not be maintained.
Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made a part of the rights and responsibilities section of the student handbook. Forms for submitting complaints are to be available to students and staff in the school offices.

Disposition of all complaints/grievances shall be reported to the Superintendent as the compliance officer for discrimination. The Superintendent will determine if the policies of the District have been appropriately implemented and will make sure reports and/or referrals are submitted to the Board as necessary. Knowingly submitting a false report or making false accusations under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies and regulations shall be followed.

Adopted:  June 26, 2007

LEGAL REF.:  28-1-2 NMSA et seq.

CROSS REF.:  AC - Nondiscrimination/Equal Opportunity

ACA - Sexual Harassment

JB - Equal Educational Opportunities

JIC - Student Conduct

JK - Student Discipline

JKD - Student Suspension/Expulsion

KE - Public Concerns and Complaints
Harassment, Intimidation, and Bullying (HIB) Definitions

**Aggressor** is a person who engages in harassment, intimidation, bullying, cyber-bullying, or retaliation.

**Bullying**, as defined in 6.12.7 NMAC, is any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, or may not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

**Cyber-bullying** is bullying using electronic mediums such as, but not limited to computers, cell phones, and pages to bully (see bullying defined above) others through methods such as posting comments, statements or pictures on social media blogs, websites, text messaging, instant messaging, and/or email.

**Harassment**, as defined in 6.12.7 NMAC, means knowingly pursing a pattern of conduct that is intended to annoy, alarm, or terrorize another person.

**Hostile environment** is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education.

**Intimidation** means to frighten into submission, compliance, or acquiescence.

**Retaliation** is any form of intimidation, reprisal or harassment directed against a person who reports harassment, intimidation, or bullying, provides information during an investigation of such incidents, or witnesses/has reliable information about such instances.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors, extracurricular activities, support staff or paraprofessionals.
Types of HIB Behaviors include:
- Any gestures, or
- Any written, verbal, or physical act, or
- Any electronic communication
- Can be a single incident or series of incidents

Motivation for HIB Behavior
- Any actual or perceived characteristic
  - Examples: race, color, religion, ancestry, nation origin, gender, sexual orientation, gender identity and expression, or mental/physical/sensory disability, or any other distinguishing characteristic(s)

Location of Incident
- On school property
- At school sponsored functions
- On a school bus
- Off school grounds (including cyberspace)

Must meet one of the following conditions in addition to causing substantial disruption or interference:
- Has effect of insulting or demeaning student or groups of students or
- Creates hostile educational environment for student by interfering with student’s education or
- Severely or pervasively causing physical or emotional harm to students
Implementation of Harassment, Intimidation, and Bullying Protocol

Investigation Procedures

- Detailed and specific times
- Verbal reports must be made to the Principal by the involved staff member on the same day the incident occurs
- Involved staff member must complete follow-up written report within two (2) school days of the verbal report (Form A/B).
- Principal/designee must initiate an investigation within one (1) school day of receiving the verbal report
- Principal/designee must contact parents/guardians of alleged victim and alleged aggressor to inform them about the incident within one (1) school day of receiving the verbal report
- Principal/designee may appoint others to assist in investigation
- Investigation must be completed as soon as possible but no later than five (5) school days from the date the written report was received
- If Principal/designee concurs with findings, parent(s)/guardian(s) of alleged victim and alleged aggressor will be notified with the findings while maintaining student confidentiality.
- Principal/designee must give completed report to identified school site individual responsible for collection of HIB data.
- Principal/designee will follow up with alleged victim and alleged aggressor as well as their parents/guardians within ten (10) days of the completed HIB report.

Due Process Rights for Alleged Accused and Alleged Victim(s)

- Parents of all parties, including the alleged victim(s) and alleged bully, involved have the right to receive verbal information regarding the allegations and findings.
- Principal/Designee must provide information to both parties within five (5) school days after the results of the investigation were submitted to the identified school site individual responsible for collection of HIB data.
Principal/Designee Responsibilities

The Principal/Designee shall:

- Initiate the investigation.
- Contact parent(s)/guardian(s) of alleged victim and alleged aggressor to advise them of the incident while maintaining student confidentiality.
- Keep abreast of the situation.
- Keep in close contact with the School Safety Team and update them with current information.
- May appoint others to assist with investigation.
- In conjunction with the School Safety Team, shall determine the “range” of ways to address the incidents of harassment, intimidation, and/or bullying behavior. These may include but are not limited to: training, discipline actions, counseling, or intervention programs.
- Be an active participant of the School Safety Team.
- Provide training on the School Harassment, Intimidation, and Bullying Protocol to employees, contacted service providers, and volunteers who have significant contact with students.
- Shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Protocol with input from the School Safety Team and recommend revisions and additions to the protocol as well as to harassment, intimidation, and bullying prevention programs and approaches based on findings from evaluation, reassessment, and review.
- Post the names, school phone number, address and school email addresses of identified school team members in the office.
- Appoint certified school employee as Harassment, Intimidation, and Bullying data collector where all reports will be centrally accounted for and stored.
School Safety Team Responsibilities  
(Principal, Assistant Principal/Designee, Guidance Counselor, Mental Health Provider, Teacher, Family Service Worker for each school)

School Safety Team shall:

- Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the Principal/Designee.
- Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying.
- Identify and address patterns of harassment, intimidation, or bullying of students in their school.
- Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, and bullying of students.
- Educate the community, including students, teachers, administrative staff, and parents to prevent and address harassment, intimidation, or bullying of students.
- Collaborate with other School Safety Teams in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, and bullying of students.
- Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or Superintendent.
Investigation Flow Chart

• Report regarding potential HIB situation is made to school employee. If by another adult, they should be referred to the school Principal/Designee.

• Principal/Designee initiates investigation within one (1) school day of receiving the verbal report.

• Principal/Designee contacts parents/guardians of alleged victim and alleged aggressor to advise of initiation of investigation while maintaining student confidentiality.

• School employee must ensure written HIB report is completed in its entirety and submitted to the Principal/Designee within twenty-four (24) hours of making verbal report.

• Principal/Designee continues with investigation and evaluates needs for support services and/or administrative action.

• Principal/Designee will complete investigation and submit completed HIB report to the principal within five (5) school days of receipt of initial written HIB notification.

• If Principal concurs with findings, parents(s)/guardian(s) of alleged victim and alleged aggressor will be notified with findings.

• Principal will sign and submit the complete HIB report within five (5) days to identified school site individual responsible for collection of HIB data.

• Principal/Designee will follow up with all involved parties within ten (10) days of completion of investigation.
Harassment, Intimidation, & Bullying Complaint Reporting Form A

This form MUST be completed to file a complaint relating to an incident of alleged harassment, intimidation, and/or bullying. It must be turned into the school Principal/Desigee.

<table>
<thead>
<tr>
<th>Name (last, first, middle)</th>
<th>I am: Complainant</th>
<th>Witness</th>
<th>Witness Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Teacher</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Student</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Parent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Victim Name (last, first, middle)</th>
<th>Gender</th>
<th>Grade</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Accused Name (last, first, middle)</th>
<th>Gender</th>
<th>Grade</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>School Site/Location (where incident occurred)</th>
<th>Interview Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>/ /</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Principal/Administrator</th>
<th>Incident Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Describe the location where the incident took place and if there were any adults present: __________________________________________________________

Motivation for incident:  
- Race / religion / national origin
- Gender – Sexual orientation / identity / expression
- Disability – Mental / physical / sensory
- Intimidation / physical threat

List any person who you know or have reason to believe may have relevant information regarding the harassment, intimidation, and/or bullying.

Name: ___________________________  
- Student  
- Staff  
- Other ______

Name: ___________________________  
- Student  
- Staff  
- Other ______

Name: ___________________________  
- Student  
- Staff  
- Other ______

HIB Handbook
(Adopted July 2012, Rev. 9/19)
Describe the nature of the harassment, intimidation, or bullying. Include any gesture, written, verbal, or physical act(s), or any electronic communication. (Attach additional sheets if necessary.):

_________________________________________________________________________________________________
_________________________________________________________________________________________________
_________________________________________________________________________________________________
_________________________________________________________________________________________________
_________________________________________________________________________________________________

Additional sheets attached: ☐ Yes ☐ No

List any evidence of bullying (i.e. letters, photos, etc – attach if possible):

_________________________________________________________________________________________________
_________________________________________________________________________________________________
_________________________________________________________________________________________________

Identify what harm you believe was or may have been caused by the alleged incident. Check all that apply:
- Substantial disruption or interference with orderly operation of school or rights of others.
- Physical or emotional harm
- Insulting or demeaning
- Creates a hostile educational environment
- Interferes with education
- Other: ____________________________________________________________

I agree that all of the information on this form is true and accurate to the best of my knowledge.

_________________________________________  __________________________
Signature of Complainant/Witness             Date

_________________________________________  __________________________
Name of person receiving form                 Date
For Office Use Only (To be completed at conclusion of investigation):

| Date Received: |   |
| Received By:   |   |

<table>
<thead>
<tr>
<th>Action</th>
<th>Aggressor Agrees to Informal Resolution(s) and/or Discipline (e.g. Changing aggressor's class schedule)</th>
<th>Formal Resolution (Administrative Action)</th>
<th>Parent/Guardian wishes to Appeal: Referral Sent to Superintendent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome (attach additional sheets if necessary)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

____________________________________________________

Administrator (if other than Principal) __________________________ Date __________________________

I have reviewed this HIB report and concur with the investigation, findings, and outcome.

____________________________________________________

School Principal __________________________ Date __________________________

Date to School Safety Team for Review
**Harassment, Intimidation, & Bullying Anonymous Reporting Form B**

If you have information regarding harassment, intimidation, and/or bullying and would like to report this information anonymously, please fill out this form to the best of your knowledge. Please note this form is completely anonymous.

<table>
<thead>
<tr>
<th>Victim Name (last, first, middle)</th>
<th>Gender</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accused Name (last, first, middle)</td>
<td>Gender</td>
<td>Grade</td>
</tr>
<tr>
<td>School Site/Location (where incident occurred)</td>
<td>Incident Date</td>
<td></td>
</tr>
<tr>
<td>Principal/Administrator</td>
<td>Today’s Date</td>
<td></td>
</tr>
</tbody>
</table>

Describe the location where the incident took place and if there were any adults present: ______________________________________________________________________________________
____________________________________________________________________________

Motivation for incident:  

- [ ] Race / religion / national origin
- [ ] Gender – Sexual orientation / identity / expression
- [ ] Disability – Mental / physical / sensory
- [ ] Intimidation / physical threat

List any person who you know or have reason to believe may have relevant information regarding the harassment, intimidation, and/or bullying.

| Name: __________________________ | Student [ ] Staff [ ] Other [ ] |
|----------------------------------|--------|------|
| Name: __________________________ | Student [ ] Staff [ ] Other [ ] |
| Name: __________________________ | Student [ ] Staff [ ] Other [ ] |
Describe, to the best of your knowledge and in as much detail as possible, the nature of the harassment, intimidation, or bullying which you may have witnessed. (Attach additional sheets if necessary.):

_________________________________________________________________________________________________

_________________________________________________________________________________________________

_________________________________________________________________________________________________

_________________________________________________________________________________________________

_________________________________________________________________________________________________

_________________________________________________________________________________________________

Additional sheets attached: ☐ Yes ☐ No

List any evidence of bullying (i.e. letters, photos, etc – attach if possible): _________

_________________________________________________________________________________________________

_________________________________________________________________________________________________

Thank you, this report will be following up on within 2 school/work days. If you fear a student is in IMMEDIATE danger, contact their home school, the police, or the Clovis Municipal Schools at 575-769-4300.

For Office Use Only:

<table>
<thead>
<tr>
<th>Date Received:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Received By:</td>
<td></td>
</tr>
<tr>
<td>Outcome:</td>
<td></td>
</tr>
</tbody>
</table>